

7 FAM 530 SOCIAL SECURITY ADMINISTRATION

(TL:CON-21; 10-31-86)

7 FAM 531 INTRODUCTION

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a. The Social Security Act of 1935, as amended, and related laws establish a number of programs that have the basic objectives of providing for the material needs of individuals and families, protecting aged and disabled persons against the expense of illnesses that could otherwise exhaust their savings, keeping families together, and giving children the opportunity to grow up in reasonably good health and security.

b. These programs include:

(1) Retirement Insurance (also known as Old Age Insurance);

(2) Survivors Insurance;

(3) Disability Insurance;

(4) Hospital and Medical Insurance for the aged and disabled;

(5) Black Lung Benefits; and

(6) Supplemental Security Income.

7 FAM 531.1 Consular Role

Consular personnel at Foreign Service posts function as intermediaries between people abroad who are claiming or receiving Social Security benefits and the Social Security Administration (SSA), Department of Health and Human Services. At some Foreign Service posts consular personnel have been given in-depth training and perform the full range of Federal benefits work under delegated authority. The information and instructions in this subchapter are designed to enable all posts to discharge effectively this basic responsibility.

7 FAM 531.2 Federal Benefits Officers (FBO's)

a. To assist the Department of State with its Federal benefits responsibilities, SSA has assigned six managerial and technical experts to the Foreign Service. These Federal Benefits Officers (FBO's) are assigned to major benefits-processing posts and function much as do regional consular officers. They provide consular officers with on-the-scene assistance and advice on how to manage (and administer) Social Security and other Federal benefits programs. FBO's are members of the consular sections at their assigned posts and handle other consular matters as determined by the chiefs of consular operations.

b. The designation of consultation areas for each FBO gives posts an alternative avenue for informal consultation in resolving technical questions of a general nature. Posts should be aware that FBO's do a significant amount of traveling. Additionally, telephone connections from some areas to Washington may be better than to an FBO's home base. Posts still have the option of conferring with the Federal Benefits Liaison Division of OCS or the appropriate agency headquarters and must do so with particular questions on specific cases.

c. FBO posts of assignment and areas of responsibility are:

(1) FBO Athens

Service Area

Bulgaria
Cyprus
Greece
Israel
Poland
Romania
Turkey
Yugoslavia

Consultation Area

Afghanistan
Bahrain
Comoros
Diego Garcia
Djibouti
Ethiopia
Indian Ocean
Iran
Iraq
Jordan
Kenya
Kuwait
Lebanon
Madagascar
Mauritius
Oman
Qatar
Saudi Arabia

Seychelles
Somalia
Sudan
Syria
Tanzania
Uganda
United Arab Emirates
Yemen

(2) FBO Frankfurt

Service Area

Belgium
Denmark
Finland
Germany, East
Germany, West
Iceland
Luxembourg
Norway
Sweden
Union of Soviet Socialist Republics

Consultation Area

None

(3) FBO London

Service Area

France
Ireland
Netherlands
Portugal
Spain
United Kingdom

Consultation Area

Benin
Burkina
Cape Verde
The Gambia
Ghana
Guinea
Guinea-Bissau
Ivory Coast
Liberia
Mali

Mauritania
Niger
Nigeria
Senegal
Sierra Leone
Togo
Western Sahara

(4) FBO Rome

Service Area

Austria
Czechoslovakia
Hungary
Italy
Liechtenstein
Malta
Switzerland

Consultation Area

Algeria
Angola
Botswana
Burundi
Cameroon
Central African Republic
Chad
Egypt
Equatorial Guinea
Gabon
Lesotho
Libya
Malawi
Morocco
Mozambique
Namibia
Rwanda
Sao Tome and Principe
South Africa
Swaziland
Tunisia
Zaire
Zambia
Zimbabwe

(5) FBO Mexico City

Service Area

Caribbean -- All countries
Central America -- All countries
Colombia
Guyana
Mexico
Surinam
Venezuela

Consultation Area

All other countries in South America

(6) FBO Guadalajara

Service Area

Guadalajara consular district. Also assists the FBO in Mexico City.

d. SSA also has a technical adviser stationed with the Veterans Administration Regional Office in Manila. The areas of responsibility of this SSA specialist and the areas to which the specialist provides technical assistance on Social Security matters are as follows:

Service Area

The Philippines and all countries within the jurisdiction of the Bureau of East Asian and Pacific Affairs.

Consultation Area

Bangladesh
Bhutan
India
Maldives
Nepal
Pakistan
Sri Lanka

e. The seven SSA officers are available to answer questions about Social Security policy and procedure and to coordinate such procedures within each post. Periodically they visit posts in their areas of responsibility to review operations and consult with Foreign Service personnel about problems encountered.

7 FAM 531.3 Authority

a. The Social Security Act of 1935, as amended, is printed in full in the *Compilation of the Social Security Laws*, published by SSA and offered for sale by the Superintendent of Documents, Government Printing Office. The Act is codified in Chapter 7, Title 41, U.S. Code.

b. Regulations supplemental to the Act are printed as parts 401, 404, 405, 416, and 422, Title 20, Code of Federal Regulations.

c. Amendments to the regulations are printed in the *Federal Register*.

7 FAM 531.4 Social Security Handbook and Other SSA Publications

Detailed information on the Social Security program is given in *the Social Security Handbook*, DHHS Publication No. (SSA) 05-10135, which should be available for reference at every Foreign Service post. SSA also publishes a large selection of pamphlets that beneficiaries may find helpful. Among these are:

(1) *Your Social Security*;

(2) *Estimating Your Social Security Retirement Check -- For Workers Who Reach 62 in 1979-1983*;

(3) *Your Social Security Checks...While You Are Outside the United States*;

(4) *A Brief Explanation of Medicare*;

(5) *If You Become Disabled*;

(6) *If You Want Help*;

(7) *Your Duties as a Representative Payee*; and

(8) *International Agreement on Social Security Between the United States and Germany* (similar pamphlets available for Switzerland, Italy, Belgium, Canada, Norway and the United Kingdom.). These pamphlets may be ordered by mail from:

U.S. Social Security Administration

International Program Service Center

P.O. Box 7684

Baltimore, MD 21207

7 FAM 531.5 Definitions

The following terms are used in subchapter 7 FAM 530 with reference to Social Security:

a. "Beneficiary" means any person who is entitled to Social Security benefits.

b. "Claimant" means any person who is applying for Social Security benefits, whether on that person's own Social Security record or on the record of a worker upon whom the applicant is or was dependent.

c. "Covered employment" or "self-employment" means employment or self-employment which is subject to the payment of U.S. Social Security taxes.

d. "Disability" means an impairment that prevents any substantial, gainful activity and is expected to have a duration of at least 12 months or to result in death. For widows and widowers, the disability requirements are more restrictive because the finding of disability is based on medical factors alone (that is, age, education, and work experience play no part in the decision). In addition, the disability must begin within a certain prescribed period.

e. "Representative payee" means any person who receives benefits on behalf of a child or an incapable adult beneficiary.

f. "SSA" means the Social Security Administration, an agency in the Department of Health and Human Services, whose chief responsibility is to administer the Retirement, Survivors, and Disability Insurance program and the Supplemental Security Income (SSI) program of the Social Security Act, as amended.

g. "Worker" means a Social Security account number holder, male or female, living or deceased, who engaged in employment or self-employment covered under the Social Security Act and thereby acquired coverage credits toward Social Security benefits for self and dependents.

7 FAM 531.6 Disclosure of Social Security Information

a. Information held by a post that concerns a Social Security claimant or beneficiary may not be disclosed to anyone -- even to another U.S. Government official or agency -- except as expressly authorized by SSA or by the claimant or beneficiary concerned in a signed statement. Any unauthorized disclosure would be in violation of law (42 U.S.C. 1306(a)).

b. Thus, a post may not furnish to any person, or to any foreign or U.S. Government agency, information that could be used to identify individuals who are receiving Social Security benefits. Nor may a post disclose such information as the date of birth, marital history, medical history, employment history, or the like, of any Social Security claimant or beneficiary.

c. The post may disclose general information which is published elsewhere, such as the number of Social Security benefits provided in particular countries or the total amount of such benefits paid in a particular country.

d. Disclosure may be authorized under certain circumstances. Each request for such disclosure should be referred to SSA by telegram for advice on whether the information may be disclosed under the particular circumstances.

7 FAM 532 TYPES OF BENEFIT PROGRAMS

7 FAM 532.1 Retirement, Survivors, and Disability Insurance Program

The basic idea of Social Security is a simple one. During working years employees, their employers, and self-employed people pay Social Security contributions (taxes) that are pooled in special trust funds. When earnings stop or are reduced because the worker retires, dies, or becomes disabled, monthly cash benefits are paid to replace part of the earnings the family has lost (see 7 FAM 532 Exhibit 532.1 for types of benefits payable).

7 FAM 532.1-1 Payments to Insure Workers

Benefits are payable to insured workers who become severely disabled prior to age 65 and to those who retire at or after age 62.

7 FAM 532.1-2 Payments to Dependents

Benefits also are payable to certain dependents of workers who are entitled to retirement or disability benefits or who are deceased. These dependents are:

(1) Unmarried sons and daughters under age 18, and certain full-time high school students up to age 19 (see section 7 FAM 534.7-1).

(2) Unmarried sons and daughters age 18 or older who were severely disabled before they reached age 22 and who continue to be disabled;

(3) Unmarried grandchildren, under the same conditions as in terms (1) and (2) of this section, if they were living with and being supported by the grandparent in the United States and both their parents are either deceased or disabled;

(4) A wife, widow, husband, or widower regardless of age, if caring for a child under age 16 or disabled, who is entitled to benefits based on the worker's record;

(5) A wife or husband age 62 or older, even if there are no children entitled to payments;

(6) A widow or widower age 60 or older, even if there are no children entitled to payments;

(7) A widow or widower age 50 or older who becomes disabled not later than 7 years after the death of the worker or not later than 7 years after entitlement to benefits under item (4) of this section ended;

(8) Dependent parents age 62 or older after a worker dies; and

(9) A divorced spouse age 62, if unmarried, who had been married to a worker for at least 10 years before the date the divorce became final. Effective January 1985, the divorced spouse of a worker who is not entitled to retirement or disability benefits can become entitled if divorced from the worker for at least 2 years.

7 FAM 532.2 Lump-Sum Death Payments

A lump-sum death payment of up to \$255.00 may be made after the worker's death to a surviving spouse or child in this order of priority:

(1) To a surviving spouse who was living in the same household as the worker at the time of death;

(2) To a surviving spouse who was entitled to or eligible for benefits on the worker's earnings record for the month of death; or

(3) If no spouse survives, to a child (or children) of the worker who was entitled to or eligible for benefits on the worker's earnings record for the month of death.

7 FAM 532.3 Black Lung Program

a. The black lung benefits program provides for payment of monthly benefits to:

(1) A coal miner who is totally disabled due to pneumoconiosis, that is, black lung disease (the pneumoconiosis must have arisen out of employment in the U.S. coal mines). The miner's payment may be augmented to provide for a dependent wife, a divorced wife, or children.

(2) The widow, child, surviving divorced wife, parent, brother, or sister of a miner who:

(a) Was entitled to black lung benefits at the time of death, or

(b) Was totally disabled by pneumoconiosis at the time of death, or

(c) Died from pneumoconiosis.

b. Since July 1, 1973 the Department of Labor has administered the black lung program. Earlier it was administered by SSA. SSA continues to be responsible for miner's claims filed before July 1, 1973, and for claims by survivors of miners who filed before that date.

7 FAM 532.4 Medicare

a. Medicare is a two-part insurance program that helps pay the cost of health care in the United States for persons age 65 and older, for persons receiving disability benefits for 24 months, and for persons suffering severe kidney disease. It does **NOT** cover health services obtained outside the United States (except for certain situations involving U.S. resident beneficiaries who obtain services at foreign hospitals near their U.S. homes or enroute between Alaska and another State).

b. Medicare is administered by the Health Care Financing Administration (HCFA), but eligibility is determined by SSA.

7 FAM 532.5 Supplemental Security Income

The Supplemental Security Income (SSI) program administered by SSA helps the aged, blind, and disabled to maintain a statutory level of annual income. A beneficiary must be present in the United States and be a U.S. citizen or a lawfully admitted permanent resident alien. Beneficiaries lose their eligibility after they have been abroad for 30 days. They are not entitled to benefits checks if they are outside the United States, and they must requalify after returning to the United States. SSI checks are rainbow-colored checks (as are Social Security benefit checks) and are distinguished by the blue envelopes in which they are mailed; if any are encountered overseas, SSA should be alerted at once.

7 FAM 532.6 Totalization

a. The employment or self-employment of many persons in and some outside the United States is covered by the U.S. Social Security system, and the required taxes must be paid. The same employment may also be covered by the social insurance system of another country. This may lead to dual social security taxation for the same employment.

b. The payment of such double taxes does not guarantee that the worker will receive a social security benefit from both countries. Sometimes a person may not perform enough work under either system to qualify for a benefit from either system.

c. To alleviate the problems of dual taxation and lost benefits, the United States is entering into social security agreements ("Totalization Agreements") with other countries. Such agreements are in effect with Italy, the Federal Republic of Germany, Switzerland, Belgium, Canada, Norway, and the United Kingdom. Discussions are being held with other countries to consider the possibility of concluding additional agreements.

d. The agreements provide that work can be covered by and taxes paid to only one system. They also provide, where applicable, for the payment of benefits by the United States and the other country based on combined coverage from both systems. If coverage from both countries is used to establish entitlement to benefits, the payments are called totalization benefits.

e. Totalization benefits are based on the combined coverage by the United States and the other country, but each country determines eligibility for and the amount of benefits under its own laws and pays such benefits independently; there is no exchange nor combining of funds by the two systems.

7 FAM 533 APPLICATION FOR A SOCIAL SECURITY NUMBER

7 FAM 533.1 Who May Apply Overseas

U.S. citizens, and aliens who can prove that they have a present need for a Social Security number, may apply overseas. An alien who applies for an immigrant visa issuance, be instructed by a consular officer on the procedures to follow to obtain a Social Security card (see Procedural Note 13, 9 FAM, Part III , 22 CFR 42.124, TL 904, 4/17/78).

7 FAM 533.2 Evidence of Need for a Social Security Number

a. Any U.S. citizen may be presumed to have a need for a Social Security number.

b. Any nonimmigrant alien who applies for number should be told to apply for the number after arrival in the United States.

(1) An alien who alleges a present need for the number must explain why the number is needed and submit evidence that a U.S. bank, agency, business, investment firm, school, or other entity has requested the applicant's Social Security number. Such evidence could be a letter to the applicant from such an entity requesting the applicant's Social Security number. This evidence or certified copies must be sent with the application for the number. For instructions on the certification of documents, see section 7 FAM 533.5 .

(2) On May 17, 1982 SSA began printing "Not Valid for Employment" on Social Security cards issued to aliens not authorized to work in the United States. Each such alien who applies for an original or duplicate card will be informed that:

(a) This legend will be printed on the card, and

(b) The U.S. Immigration and Naturalization Service will be notified if earnings are reported on the alien's Social Security number.

7 FAM 533.3 IRS Request for a Social Security Number

a. The Internal Revenue Service (IRS) uses Social Security numbers to identify taxpayers. A request from IRS to a taxpayer for a number usually is sufficient evidence that the taxpayer needs it. However, that is not always the case when a couple files a joint tax return and one spouse is a nonresident alien.

b. If one spouse is a nonresident alien, the Tax Reform Act of 1976 permits filing of joint tax returns **ONLY** if the couple elects to report and pay taxes on all the worldwide income of both parties. No special form is used to make the election; the couple files a joint form 1040 or 1040A which may or may not show that one party is a nonresident alien.

c. If, on a joint tax return, no Social Security number is shown for one of the spouses, IRS writes to the taxpayers requesting the missing number. If the nonresident alien spouse does not work and has no taxable income, a number is not necessary and will not be assigned by SSA. When a taxpayer presents such a letter from IRS and states is a nonresident alien, the post should determine whether:

(1) The couple is reporting and paying taxes on all its worldwide income so that joint return procedures properly apply; and

(2) The nonresident alien spouse personally has taxable income.

d. If the answer to items (1) and (2) in paragraph b is yes, an application for a non-work Social Security number should be obtained. If the answer to either (1) or (2) is no, the consular officer advises the taxpayer to explain the situation to IRS, so that it can annotate its records to prevent future requests from the nonresident alien spouse.

7 FAM 533.4 Application for a Social Security Card

a. Each U.S. citizen, or alien who has established the need for a Social Security number or card, must complete and sign Form SS-5-FS, Application for a Social Security Number Card. Form SS-5-FS is used to apply for an original or a duplicate card. Such forms are to be stocked by all posts.

b. The first page of the 4page form gives instructions on the evidence which the applicant must submit; the second page tells how to complete the form; the third is the application itself; and the fourth explains the Privacy Act.

c. All questions on the form must be answered. In the rare case when a question cannot be answered, "Unknown" should be entered instead of leaving the item blank.

d. To obtain a duplicate card, an alien must establish a current need for it. For example, it may be needed for a bank account in the United States.

e. All forms SS-5-FS are microfilmed by SSA. Entries should be typed or printed in dark blue or black ink so that sharp images will be produced when microfilmed. Printing must be legible. If it is not, the form may be processable or the applicant may receive a card with an incorrectly spelled name.

f. The card is sent to the address given on the form. It is important that the address be complete, legible, and the one to which the applicant wants the card mailed.

g. The applicant's name should be signed the way the applicant usually writes it. An application signed by a mark should be witnessed by the consular employee. A parent or guardian may sign the application for a young child. In such cases evidence of the signer's identity also must be submitted with the application. Evidence should also be submitted to verify the identity and existence of the prospective Social Security number holder.

NOTE: SSA regulations do not define "young child" by assigning a specific age. (See 7 FAM 1331.3 for age guidelines.)

7 FAM 533.5 Evidence Needed To Apply for an Original Social Security Card

a. For original Social Security numbers, all applicants (including those under age 18 and born in the United States) must submit documentary evidence of their identity, age, and citizenship.

b. If the application is signed by one person on behalf of another (for example, a parent for a child, a guardian for an incompetent adult), the signer's identity must be established.

c. Applicants usually are required to produce multiple documents to establish identity, age, and citizenship. Sometimes a single document, such as the passport, fulfills more than one evidential requirement.

d. At least one document used to establish the applicant's identity should show the signature of the applicant for comparison with that shown on Form SS-5-FS. A birth certificate usually is not, in itself, sufficient to establish the identity of any person.

e. For young children (see 7 FAM 1331.3), in addition to a birth certificate, some other evidence, such as a medical record or school or nursery record, should be submitted to identify the child.

f. As evidence of age, the applicant should submit a public or religious record of birth which shows that the birth was recorded before age 5. If such evidence is not available within a reasonable time and the applicant has an immediate need for a Social Security number, two alternative documents may be used if they are at least 1 year old and otherwise sufficiently convincing and valid.

g. In the absence of evidence to the contrary, a person will be assumed to be a citizen of the country of birth.

h. U.S. citizens born outside the United States must submit evidence of their U.S. citizenship. This can be a U.S. passport, naturalization certificate, or similar document.

i. Certification of the evidence used to establish identity, age, and citizenship must go along with the SS-5-FS when it is sent to the office indicated in section 7 FAM 533.8 .

7 FAM 533.6 Evidence Needed To Apply for a Duplicate Card

a. A U.S. citizen born in the United States need only submit evidence of identity when applying for a duplicate card.

b. A U.S. citizen born outside the United States must submit evidence of citizenship and of identity when applying for a duplicate card.

c. An alien applicant for a duplicate card who is authorized to work in the

United States must submit evidence of lawful admittance to the United States as well as evidence of identity and alien status.

d. An alien applicant for a duplicate card who is **NOT** authorized to work in the United States must submit evidence of identity and alien status and must sign a statement explaining why the duplicate is needed. Such an applicant should be informed that the card will be marked, "Not Valid for Employment."

7 FAM 533.7 Personal Interview Required

- a. An applicant for an original Social Security number who is age 18 or older must apply in person for an interview to corroborate statements and evidence in support of the application.
- b. The interview must be a U.S. consular or diplomatic officer, an SSA officer abroad (FBO), a local employee of the Federal Benefits Unit, or designated U.S. military personnel abroad.
- c. If the applicant fails to appear for an interview, the application will be denied. The interview must submit a signed statement reporting that:
 - (1) The applicant personally was interviewed; and
 - (2) The applicant's identity was verified.

7 FAM 533.8 Where To Send Completed SS-5-FS Forms

- a. Completed SS-5-FS forms and supporting documents are to be mailed to the office servicing the area where the application was filed.
- b. The offices are as follows:
 - (1) Canada and Mexico -- SSA District office with which the post deals;
 - (2) Philippines -- United States Veterans Administration Regional Office, SSA Division, APO San Francisco 96528; and
 - (3) All others -- Social Security Administration, International Program Service Center, P.O. Box 1756, Baltimore, MD 21203.

7 FAM 534 APPLICATION AND VERIFICATION PROCESS

7 FAM 534.1 Attorneys and Other Agents

- a. A Social Security claimant may be represented by an attorney or any other person the claimant selects. If the selected person is an attorney admitted to practice before a U.S. court, the claimant selects. If the selected representative is any other person, both the claimant and the representative **MUST** complete a form SSA-1696-U4, Appointment of Representative/Acceptance of Appointment. Until these writings have been executed, the post should decline to deal with the representative on the claimant's behalf.
- b. To obtain authorization to charge a fee, a representative must complete and mail form SSA-1560-U4, Petition to Obtain Approval of a Fee for Representing a Social Security Claimant, to SSA, International Program Service Center (INTPSC), P.O. Box 1756, Baltimore, MD 21203, U.S.A. SSA mails this form to appointed representatives upon notification of the appointment. SSA will authorize any fee that appears to be reasonable in the light of customary charges for equivalent services in the locality, but it is the responsibility of the representative to collect the fee.

c. If a post should learn or suspect that a person has represented a Social Security claimant and charged a fee without SSA authorization, or in excess of an amount authorized, or otherwise has engaged in unethical or dishonest practices as a representative of a claimant, the post should inform SSA by a memorandum that explains the basis for its belief.

(1) Statements signed by persons with firsthand knowledge should be enclosed, if available. SSA will initiate formal administrative proceedings to disqualify such a person from serving as a representative in matters before SSA and will inform that person of the decision in writing.

(2) When persons are formally suspended or disqualified, posts in the locale will be given their names and addresses and asked to inform claimants who seek to appoint such persons as representatives that SSA cannot recognize them as representatives.

7 FAM 534.2 Formal Applications

a. Some posts, in countries where numerous Social Security claims arise, have been specially trained to develop formal applications for Social Security benefits. These posts operate under technical instructions and guides supplied by SSA and the FBO's. They stock the forms used to apply for Social Security retirement, disability, and survivor benefits.

b. Such claims development work is now performed by the posts in Austria, Denmark, Dominican Republic, France, the Federal Republic of Germany, Greece, Hong Kong, Ireland, Israel, Italy, Norway, Poland, Portugal, Spain, Sweden, Switzerland, the United Kingdom, and Yugoslavia. The posts in Mexico at Guadalajara, Hermosillo, Mexico City, Ciudad Juarez, Tijuana, and Monterrey also perform claims development work. In the Philippines, such work is conducted at the VA Regional Office at Manila.

7 FAM 534.3 Taking a Written Statement in Place of Formal Application

a. When a person visits a post, other than one that stocks SSA application forms, as explained in section 7 FAM 533.4 , to ask about filing for Social Security benefits, a properly completed written statement should be taken in lieu of a formal application.

b. The statement must express the writer's intent to claim Social Security benefits for self or on behalf of another and it must be signed by the claimant, a spouse, a legal representative, legal guardian, or, in the case of a child, a parent (for example, "I, John M. Deere, SSN 999-99-9999, wish to file for SSA children's benefits for my son, John M. Deere, Jr."). The name of an applicant who signs by mark or fingerprint must be shown on the signature as a witness will suffice if the post employee is satisfied as to the applicant's identity.

c. The written statement may be completed in the local language, but the post should advise the writer that completion of the statement in English may result in an earlier reply.

NOTE: SSA has a translation service for incoming inquiries written in a foreign language. This additional processing necessarily delays SSA's response.

d. The completed statement must include the worker's Social Security number, be date stamped by the post, and be sent to SSA, P.O. Box 1756, Baltimore, MD 21203, U.S.A. Correspondence should be sent by international airmail at the claimant's expense. No reference to the Department of State may appear on the envelope.

e. Subsequent correspondence normally will be handled directly between the claimant and SSA. If the claimant later requests help in completing additional forms, the post should provide appropriate assistance and advice on the types of documentary evidence that may be submitted to prove age, death, marriage, divorce, dependence, or other facts. The consular officer is expected to alert SSA to any doubts about the reliability of these documents.

7 FAM 534.4 Documents Submitted to Post

a. The claimant should be encouraged to submit to the post the originals of all documents related to Social Security claims. If a claimant does not wish to relinquish a document, a copy or excerpt certified as explained in section 7 FAM 534.4 c is acceptable.

b. Copies and excerpts may be prepared by consular officers or authorized Foreign Service national employees. The consular officer in charge decides which employees perform this service.

c. SSA regulations on the certification of documents differ from those of the Department of State (see 7 FAM 837). For SSA the certifying officer or employee must comment on the genuineness of the original document and whether it appears to be unaltered AND to have been made at the time purported. The certifying officer or employee uses the following statement in certifying documents:

The original document (or record) of which this is a copy (or, from which this excerpt was taken) appears to be genuine and unaltered and to have been made at the time purported.

Certifying officers or employees place their signature and title, the date, and name of the post below the certification. If the document contains a seal which does not reproduce, the certifier writes on the photocopy the information on the seal. This certification process is not a notarial function and no fee is charged.

d. If a claimant does not wish to relinquish a document, the certifying officer or employee can prepare a photocopy or accept a photocopy submitted by the claimant if the original also is submitted to permit comparison with the photocopy and examination for alterations and authenticity. If parts of the original are illegible on the photocopy, the missing items must be written in and initialed by the certifying officer or employee. The statement about genuineness is construed to mean that all requirements, such as the presence of a raised seal, have been met. The certifying officer or employee should indicate specifically any discrepancies.

NOTE: SSA has been granted special authorization by the Immigration and Naturalization Service to photocopy certificates of naturalization and other Immigration and Naturalization Service documents, provided the copy never will be released or made available to anyone and will be retained as part of SSA's official records.

SSA also has authority to photocopy U.S. passports under these same conditions.

e. Generally, the claimant is responsible for submitting evidence of entitlement to Social Security benefits. Occasionally, SSA asks the post to obtain evidence to ensure that a correct determination is made. If the post has obtained evidence at the specific request of SSA, it should follow the instructions in 4 FAM 355 in obtaining payment for this documentation.

7 FAM 534.5 Validation of Evidence

a. Sometimes SSA cannot accept at face value a document submitted by a claimant because it conflicts with other evidence, thus raising a question about its authenticity, or because evidence from the same source has been found unreliable in the past. A post may be asked to examine the source record to determine the validity of a birth, marriage, or death certificate or other documentation purportedly issued by the custodian of the record. A copy of the questionable certification usually will be enclosed. If no copy is available, a complete description will be provided.

b. In response to the SSA request, the consular officer or the designated

Foreign Service national employee promptly visits the custodian of the record, examines the source, and reports to SSA on whether:

- (1) The document is bound and intact;
- (2) The entry under examination is on a page in proper chronological order with other pages;
- (3) The entry is in proper chronological sequence with other items on the same page;
- (4) The entry is within the borders and margins of the page;
- (5) The entry is in the same ink and handwriting as the entries preceding and following it;
- (6) There are any erasures or corrections;
- (7) The source record appears authentic and made at the time purported; and
- (8) The original record agrees in every detail with the certification, or if not, how the difference can be explained.

c. Reply should be made directly to SSA, without reference to the Department.

7 FAM 534.6 Medical Evidence in Disability Cases

7 FAM 534.6-1 Documentation

a. Applicant Requests

Applicants for Social Security disability benefits should present all medical evidence available that supports their claims.

b. SSA Requests

(1) SSA may ask the post to arrange a medical examination, obtain medical evidence of record, or conduct a field examination. SSA's request will be made on Form SSA-423-U6 and will specify the type of records, examination, or special tests needed.

(2) The post should obtain requested evidence as soon as possible. If the evidence cannot be obtained within 90 days from the date of the Form SSA-423-U6, the facts should be reported by telegram or memorandum to SSA with the anticipated date the evidence will be obtained.

(a) **For records.** An SSA request for medical records will specify the hospital, clinic, or physician to be contacted and the period for which records are needed. It will authorize the post to offer payment to the source for the requested records, provided the source is not a U.S. Government facility. The post must inform the holder of the records that the offer to pay for medical records is to cover the cost of preparing, copying, and mailing the reports, but not the cost of the examination on which they are based.

(b) **For medical examinations.** If SSA requests a medical examination, the post schedules the examination with duly licensed physician who is in good standing and professionally qualified in the specialty required for the examination.

i. The report of the medical examination must be a narrative summary in sufficient detail on the pertinent history, clinical and laboratory findings, therapy administered, functional capacities before and after therapy, and diagnosis to enable SSA to assess the kind and severity of impairment and the residual functional capacities of the applicant. EKG's, spiograms, and other pertinent medical records must be forwarded with the report.

ii. If a supplemental report from the applicant's medical source is needed, the request will state what further information is needed. SSA may, if pertinent, provide a photocopy of the original report for use in obtaining supplemental data.

7 FAM 534.6-2 Investigations

a. Disability seldom is determined solely on the basis of medical evidence. An applicant's personal and vocational background must also be considered. SSA may ask a post to investigate certain background or nonmedical factors. For widows and widowers, disability determinations are more restrictive and are based on medical factors alone.

b. Nonmedical areas of inquiry may include any of the following: the applicant's educational background, work experience and skills, job adaptability, daily activities, reaction to impairment, social or mental adjustment, family or social environment, or economic and industrial conditions in the community.

c. SSA will specify the kind and extent of the nonmedical investigation required. Any facts or circumstances noted in the course of the investigation that appear to be inconsistent with the alleged disability or that indicate capacity to engage in work activity should be reported.

d. In addition, certain events may occur after approval of a disability application. Such events may require investigation to learn whether the applicant's disability continues or has ceased to exist.

7 FAM 534.6-3 Travel Expenses

a. In unusual situations, it may be necessary, because of the applicant's physical or possible risk to health, to have the applicant examined or interviewed at home or transported to the place of examination. SSA reimburses all expenses for such travel, including overnight accommodations when required. SSA does not allow admission to a clinic or hospital as an inpatient for performance of the requested examination at SSA expense.

b. If circumstances require that a companion accompany the applicant to the place of examination, SSA also reimburses the travel and related expenses of such companion.

c. Travel and related expenses, including per diem, incurred by Foreign Service personnel in the performance of a field examination or other requested service are chargeable to SSA.

d. Travel required in such cases shall be performed in accordance with 6 FAM 100 . If travel in connection with a proposed examination would entail substantial costs, the post shall consider all alternative means of obtaining the information.

7 FAM 534.6-4 Charges for Services

Expenses incurred in the performance of services for disability cases are authorized when the original request is made or later as circumstances dictate. In many instances, payments for expenses are the claimant's responsibility and SSA will so specify in its letter of authorization. SSA does not specify the exact amount to be spent because costs vary throughout the world. All charges must be reasonable and customary and not in excess of prevailing costs for such services in the locality. Travel costs for claimants, local attendants, or physicians shall not exceed those which the persons concerned would incur were they traveling at their own expense.

7 FAM 534.6-5 Payment Procedure

a. Payments in connection with disability cases for which expenditures have been authorized by SSA shall conform to 4 FAM 335 guidelines.

b. Requests for services sent to a post will show the appropriation number, allotment and organization codes, and a control number for use by the post in preparing vouchers.

c. Copies of paid vouchers should be mailed to:

Social Security Administration
Administrative Payment Operations Section, OFR, OMBP
P.O. Box 47
Baltimore, MD 21203

A copy of the form SSA-423-U6 and copies of the bills should be attached to the voucher.

7 FAM 534.6-6 Report of Direct Expenditures

Form SSA-423-U6 calls for data on direct expenditures for medical services. When such evidence is obtained at SSA's expense, the bottom of Form SSA-423-U6 should be completed by checking the suitable boxes and showing the amount spent in U.S. dollars. If the actual amount is not known at the time the case is otherwise completed, an estimate should be used, because the figures are for administrative and program analyses only, not for audit purposes. It is not necessary to submit corrections of estimates. Only in supplemental request cases should additional expenditures be reported. A copy of the completed Form SSA-423-U6 should be returned with the medical report.

7 FAM 534.7 Student Benefits

7 FAM 534.7-1 Eligibility

Benefits are payable to children between age 18 and 19 if they are in full time attendance in grade 12 or lower at a secondary or elementary school. An elementary or secondary school is defined as a school that provides elementary or secondary education as determined under the law of the jurisdiction, including a foreign jurisdiction, in which the school is located.

7 FAM 534.7-2 Verification of Attendance

a. When SSA needs information to establish or confirm school attendance, it sends the necessary forms to the student or post, requesting their completion.

b. The post usually gives the form to the student with instructions to have the form completed by the school and to return it to the post as quickly as possible. If the post so desires, or believes that it is faster or more reliable, the post can either mail the forms to the school or obtain the information through a personal or telephone contact with the appropriate school official. If the information was obtained through a personal or telephone contact with a school official, the post should complete all necessary items on the school certification form and, in the space reserved for the school official, show how the information was obtained. The post representative who obtains the information signs this entry and shows the representative's title or position.

c. The post should follow up after 30 days if there has been no reply from the student or the school.

d. Completed forms should be reviewed carefully to ensure that all necessary signatures are obtained before the completed forms are returned to SSA. The post also should review each form for inconsistencies in light of its knowledge of the educational system in the consular district. If there is any reason to question information on the form, or if there is an irregularity on the form (such as any deviation from local practices or a suspicious signature), the post verifies the information by personal or telephonic contact with the school. In each such case, the post annotates the form with the statement, "Verified by telephone/personal contact with school official," and initials and dates the annotation.

7 FAM 534.7-3 Verification of Continuing Eligibility

Twice each school year, all student beneficiaries are required to submit evidence of their continuing eligibility to receive benefits. The report forms which SSA sends to the students for this purpose are computer generated and controlled; thus the post need not control the forms.

a. Contact at Beginning of School Year

Late in the month preceding the month in which the school year begins, SSA mails a report form to each student, usually through the post, for completion and return to SSA. Form SSA-1386-C1-FC, Statement Regarding Resumption of School Attendance by Students Outside the United States, has three sections. A student attending school completes sections A and B and takes the form to the school for completion of section C by a school official.

(1) If this form is not completed and returned to SSA by the first day of the second month after the month in which the school year began (for example about November 1 for school years beginning in September), benefits to the student will be suspended and the student will be sent a second form.

(2) If the second form is not returned within 90 days, the student's entitlement will be terminated and the student will be found as having been overpaid for benefits received for any months after the month in which the school year began.

b. Contact at End of School Year

Early in the third month preceding the month in which the school year ends, SSA sends each student (usually through the post) another report form to verify the student's continuing eligibility during that school year and to obtain information about the student's intent to continue attending school. Form SSA-1388-C1-FC, End of School Year Report of Student Beneficiary Outside the United States, has three sections. A student attending school completes sections A and B and takes the form to the school for completion of section C by a school official.

(1) If this form is not returned to SSA by the end of the month in which the school year is to end, the student's benefits will be terminated effective with the month following the month in which the school year ended.

(2) SSA will then request the post to contact the school to find out just when the student was actually in full time attendance at a qualified school. If it is found that the student's attendance ended before the last month of the school year, the student will be found to have been overpaid for any month in which the student received benefits and was not in full time attendance at a qualified school.

NOTE: Consular officers should assist SSA in recovering overpayments (see section 7 FAM 538.4).

7 FAM 535 REPRESENTATIVE PAYEE

7 FAM 535.1 Duties

a. A person authorized to receive SSA benefits on behalf of a child or incapable adult beneficiary is called a representative payee. A representative payee must apply the payments received toward the use and benefit of the beneficiary. The benefits should be used for the beneficiary's current needs. The needs primarily include food, clothing, shelter, medical care, personal amenities, education, and the rehabilitation expenses of disabled beneficiaries. Any excess is to be saved or may be used toward the current support of the beneficiary's spouse, child, or parent who is the beneficiary's legal dependent.

b. In addition to exercising prudence and care in managing the Social Security benefits and maintaining a continuing interest in the personal welfare of the beneficiary, the representative payee must:

(1) Notify SSA when the payee is not longer responsible for the welfare and care of the beneficiary;

(2) Report the occurrence of any event (such as death, change of address, recovery of health) affecting the payments; and

(3) Give periodic written reports accounting for the use of benefits, if requested to do so by SSA.

c. Representative payees may find it helpful to keep records of how the Social Security benefits were used in order to make their accounting reports. The report forms ask such questions as:

(1) The amount of Social Security funds on hand at the beginning of the period covered by the report;

(2) Where the beneficiary lived during the report period;

(3) Amount of beneficiary's income from other sources during the year (requested only to enable SSA to evaluate the use of Social Security benefits);

(4) How Social Security benefits were spent; and

(5) How much of the Social Security benefits were saved and how the savings were invested.

d. SSA established controls on claims that require periodic recontact. Specific requests for accounting will be accompanied by necessary forms and instructions. While the fiscal accounting is of primary significance, the post always should make a personal contact with the beneficiary to verify that:

(1) The beneficiary is alive;

(2) There has been no shift in responsibility; and

(3) The beneficiary has not married, worked, changed citizenship, or otherwise become ineligible for payment.

7 FAM 535.2 Selection of Payee for Incapable Adult

7 FAM 535.2-1 Routine Procedure

a. Evidence of incapability of an adult beneficiary may be a medical or legal finding of incapability or other acceptable evidence. The incapability may be the result of a physical or mental condition.

b. The Social Security Act does not require the appointment of legal guardian when a beneficiary is unable to handle benefit funds. Whenever incapacity to manage funds is established, SSA's policy is to seek to locate a close relative or another person who is personally interested in the beneficiary's welfare and is capable of administering funds in the best interest of the beneficiary.

c. In selecting a representative payee for an incapable adult, the following order of preference routinely is observed:

(1) Spouse, legal guardian, or relative who has actual custody or who demonstrates a strong interest in the personal welfare of the beneficiary. If a legal guardian and a spouse or relative are both present, the spouse or relative is selected as payee unless the case development establishes that the spouse or relative is unsuitable to act as payee or that payment to the legal guardian is clearly in the best interest of the beneficiary.

(2) Friend who has custody or demonstrates strong interest in the personal welfare of the beneficiary.

(3) Public or nonprofit agency, or institution having actual custody.

(4) Private profitmaking institution, if licensed and recommended by a social welfare agency.

7 FAM 535.2-2 Action by Post

a. When a post learns of a need to select a representative payee for an adult beneficiary who is or appears to be incapable of managing funds, the post reports this fact to SSA by telegram with a full explanation of the circumstances.

b. The report must include the name and address of the person who has the highest priority, as indicated in section 7 FAM 535.2-1 b , who is both willing and able to serve as representative payee. Each person higher in priority than the person identified should be named in the report along with an explanation of why that person is not willing or able to serve as representative payee. The report should specify in whose custody, if any, the beneficiary currently resides and the relationships to the beneficiary of all persons named.

c. The report must recommend whether SSA should continue or suspend benefits pending appointment of the representative payee (see section 7 FAM 535.4).

d. When SSA is notified of the incapability of a beneficiary (or claimant) or of the death or resignation of a representative payee, it sends instructions for obtaining evidence of incapability, if needed, and for the selection of a proper payee.

7 FAM 535.3 Selection of Payees for Children

a. A person under age 18 is considered incapable of managing benefit payments. Payment may be made directly to a person under age 18 if:

- (1) There is no indication that the person is immature or emotionally unstable;
- (2) It appears to be in the person's best interest to make direct payment; and
- (3) The person is:

- (a) Entirely self-supporting and living away from home;
- (b) In the Armed Forces; or

(c) A widow or widower who is at least age 16 and is filing for Social Security benefits for herself/himself and/or her/his child.

- (4) The person is within 7 months of age 18 and initially filing for benefits.

b. When the post learns of the need to select a payee for a person under age 18, it identifies for SSA by name and address the person highest in the following priority who is both willing and able to serve as payee:

- (1) Parent having custody of the child; legal guardian (other than statutory guardian);
- (2) Parent who does not have custody but is making contribution to the child's support and demonstrating strong concern; social agency or juvenile court which has custody of the child and is required to provide the child's needs;
- (3) Parent who does not have custody and does not contribute to the child's support but who displays a strong, continuing interest in the welfare of the child;
- (4) Relative having custody of the child;
- (5) Relative who does not have custody but makes contributions to the child's support and demonstrates strong concern; friend having custody and providing for the child's needs; authorized social agency with custody (but not awarded custody by a court);
- (6) Relative or friend who does not have custody or make contributions but shows a strong concern for the child's welfare;

(7) Social agency, institution, or foster parent having custody and providing for the child's needs.

c. If any persons are higher in priority than the person named, the report should list each such person and explain why that person is not willing or able to serve as representative payee. Name the person, if any, in whose custody the child resides and state the relationship of the child to each person named.

d. The report must recommend whether SSA should continue or suspend benefits pending appointment of the representative payee (see section 7 FAM 535.4).

7 FAM 535.4 Suspension of Payments Pending Appointment of Payee

a. Insofar as it can, SSA avoids interruptions in payments pending the appointment of a representative payee.

b. If an adult beneficiary who has been receiving direct payments becomes physically or mentally unable to manage funds and action is taken under section 7 FAM 535.2 , the post's report should indicate whether someone close to the beneficiary will be able to assist temporarily in cashing future checks and in managing the proceeds until a representative payee is appointed.

(1) If so, SSA usually continues payments pending the appointment.

(2) If evidence is received that the beneficiary has been declared "legally incompetent," or if it otherwise appears that continued payments would be detrimental to the beneficiary, SSA suspends payments pending appointment of a representative payee.

(3) Continued payment would be judged to be "detrimental" if a beneficiary regularly dissipates the full amount of the monthly checks to the extent that the beneficiary receives no benefit from the payments or if the beneficiary repeatedly and irrationally refuses to accept the benefit checks.

c. If a representative payee dies, payment usually must be stopped until a new one is appointed. To shorten the interruption of payments in such cases, the report called for by section 7 FAM 535.2 or 7 FAM 535.3 should be sent by telegram directly to SSA under section 7 FAM 539 . If the representative payee was the parent of the beneficiary, the beneficiary's surviving parent will be substituted as temporary payee pending receipt of this report if that parent:

(1) Is living with the child;

(2) Is entitled to benefits on the same account; and

(3) Has not been judged legally incompetent or determined incapable of managing his/her own benefits.

d. If a change of representative payee becomes necessary for a reason other than the payee's death (for example, a payee no longer has responsibility for the welfare and care of the beneficiary), it may be in the beneficiary's best interest to continue payments to the present payee, assuming the payee is agreeable, pending selection of a new payee. Ordinarily, payment will be continued to the representative payee during an investigation of the payee's alleged misuse. In such cases the post should consider whether the beneficiary would be better off by continuing payment of benefits during the investigation, even though some misuse may have occurred. If the post does not believe payments should be continued, it should inform SSA of its judgment.

7 FAM 536 EVENTS THAT MAY AFFECT CONTINUING ELIGIBILITY

7 FAM 536.1 Information About Eligibility

a. SSA gives each beneficiary outside the United States the booklet, Your Social Security Checks ... While You Are Outside the United States, together with form SSA-1425FC, Report to Social Security Administration by Person Outside the United States. The booklet, which is printed in English, as well as bilingually (English, and ... Chinese, Danish, Filipino, French, German, Greek, Italian, Japanese, Norwegian, Polish, Portuguese, Serbo-Croatian, Slovak, or Spanish) describes the events that affect a person's eligibility to receive benefits. It instructs the beneficiary to report such events by using form SSA-1425FC, Report to Social Security Administration by Person Outside the United States.

b. All posts should stock the booklet and the form SSA-1425C. Both should be distributed freely to inquirers. If visitors call at a post to report any event that could affect eligibility, and the form OF-273 or RO-35 procedure does not apply (see section 7 FAM 539.5), they should be assisted in completing an SSA-1425FC, and the form should be airmailed to SSA.

7 FAM 536.2 How Working Affects Benefits

a. The same basic retirement test used in the United States applies to persons outside the United States who work in employment or self-employment that is covered by the Social Security system. That test is based on earnings. No single money amount, however, could realistically differentiate between full time and part time work in all foreign countries. Therefore the law provides a different type of test which generally applies to persons living outside the United States and working in noncovered employment or self-employment. U.S. citizens who are self-employed and residing in a country with which the U.S. has a totalization agreement are subject to this test.

b. Before May 1983, no benefit was payable for any month in which a beneficiary under age 72 (70 starting in 1983) worked or engaged in a business on any part of 7 or more days.

c. Beginning in May 1983, the 7-day work test was changed to a 45-hour work test. Under this test, no benefit is payable for any month in which a beneficiary under age 70 works or engages in a business for more than 45 hours. The number of days on which the beneficiary works or engages in a business is immaterial. The number of hours the person works or engages in a business in a month determines whether the person may receive a benefit.

d. Beginning in 1983, effective with the month in which the beneficiary reaches age 70 benefits are paid to persons without regard to their work activity or earnings. (The 7-day foreign-work test in effect before May 1983 is discussed in detail in the Social Security Handbook, chapter 18.)

7 FAM 536.3 Penalty Deductions

a. Penalty deductions may be imposed if a beneficiary is late in reporting foreign-work activity that would call for deductions under the foreign-work test. Such deductions may also be made if a parent or other person receiving benefits for the care of a child entitled to Social Security benefits is late in reporting when the child leaves that person's care.

b. A report is considered to be timely if it is made before the receipt and acceptance of a benefit check for the second month after the month in which the event occurred. For example, a beneficiary who worked outside the United States in May in work that would result in deductions under the foreign-work test must report this work activity before receiving and accepting the benefit check for July (which would bear an August date).

c. The first time a beneficiary is late in reporting foreign work or that a child is no longer in the beneficiary's care, a penalty equal to one month's benefits will be withheld. For the second failure to report such information on time, a penalty equal to 2 month's benefits will be withheld. For the third and each subsequent failure to report such information on time, a penalty equal to 3 months' benefits will be withheld. These penalties are imposed in addition to the deductions made for work or failure to have a child in care.

7 FAM 536.4 Suspension of Benefits to Aliens Because of Their Absences From the United States

Beneficiaries who are not U.S. citizens are not eligible for monthly Social Security benefits after they have been outside the United States for 6 consecutive calendar months, unless they meet certain exceptions. The exceptions are stated in the booklet, *Your Social Security Checks ... While You are Outside the United States*, and in the Social Security Handbook, chapter 18 (see sections 7 FAM 531.4 and 7 FAM 536.1).

7 FAM 537 ANTIFRAUD ENFORCEMENT PROGRAM

a. Once each year, all beneficiaries receiving payments abroad are required to submit to the Social Security Administration a signed questionnaire attesting to their continuing right to receive benefits (see 7 FAM 537 Exhibit 537). SSA usually sends the questionnaires to the posts, which mail them to the beneficiaries. Two types of questionnaires are involved. Form SSA-7162-C1, Report to United States Social Security Administration, is used for adults who receive their own benefits. Form SSA-7161-C1, Report to United States Social Security Administration by Person Receiving Benefits for a Child or for an Adult Unable to Handle Funds, is used for children and incapable adult beneficiaries. Blank (unaddressed) forms are included with each shipment. These are for the posts' use in following up if no response is received (see section 7 FAM 537 d.).

b. Each questionnaire bears the beneficiary's name, Social Security claim number, and address, and is placed in an envelope by SSA before delivery to the post. Instructions printed in French, German, Greek, Italian, Japanese, Norwegian, Polish, Portuguese, Serbo-Croatian, Spanish, and Swedish are sent with the questionnaires to countries where those languages are used.

c. SSA sends a control card to the post for each SSA-7162-C1 or SSA-7161-C1 sent for mailing to a beneficiary. The post returns the control cards to SSA with the completed questionnaires.

d. On its own initiative and without any reminder from the Department's Office of Overseas Citizens Services (CA/OCS/CCS) or SSA, each post should follow up on outstanding questionnaires about 6 weeks after initial mailing. Wording and format of the followup may be determined at post.

e. About 3 months after the initial mailing, SSA sends each post a listing of the beneficiaries who have not returned questionnaires and allows the post a specified time in which to verify that a completed questionnaire was not forwarded. The absence of a control card at the post for an account number on the SSA list indicates that a completed questionnaire was mailed to SSA. However, unless a post reports that a questionnaire was forwarded to SSA, SSA suspends payment to nonreporters, notifies them of the reason for the suspension and the need to complete the SSA-7162-C1 or SSA-7161-C1, and sends a new questionnaire with each notice of suspension.

f. If the beneficiary brings a questionnaire to the post for assistance, a Foreign Service officer or employee should interview the beneficiary. The beneficiary should first establish identity by submitting, for inspection, an identification card, passport, or other such evidence. Each question on the form should be explained so that the beneficiary fully understands its meaning and significance. If the beneficiary signs the form with a mark (e.g. "X") after answering all questions, the officer or employee of the post who interviewed the beneficiary signs the witness certification.

7 FAM 538 SOCIAL SECURITY CHECKS

7 FAM 538.1 Direct Deposit

a. Beneficiaries can elect to have their checks sent directly to a financial institution. If the institution is in the United States, Puerto Rico, the Virgin Islands, or Guam, the beneficiary and the financial institution must complete form SF-1199, Direct Deposit Sign-Up Form. This form solicits information that enables the Treasury Department to send the check amount by an electronic transfer of funds directly to the beneficiary's account at the institution. Such direct deposits cannot be made to a financial institution outside of the United States, its territories, or possessions.

NOTE: Direct deposit to certain countries with compatible electronic banking capabilities is being considered. Direct deposit to banks in the United Kingdom is expected to start some time in 1986.

b. A foreign financial institution must be granted a power of attorney by the beneficiary if it is to receive and negotiate the beneficiary's checks. The proper form to use for this purpose is SF-233 (Power of Attorney by Individual to a Bank for the Collection of Checks Drawn on the Treasury of the United States). The form states that the power of attorney is not meant to carry an assignment of benefits. Only the check payee or a representative payee found to be in good standing may execute the SF-233.

c. All beneficiaries who request direct routing of their checks to a financial institution outside the United States must be informed that when the address is changed for the checks, it is also changed for all other correspondence. Each beneficiary should instruct the financial institution to forward all Social Security forms and correspondence to the beneficiary's home address. Care must be taken in power of attorney cases with beneficiaries who try to circumvent the alien nonpayment provisions (see section 7 FAM 536.4).

d. Persons receiving their benefits at institutions in the United States by direct deposit facilities will continue to receive all other correspondence and forms at their home address of record. Accordingly, beneficiaries should continue to inform SSA of any change of home address.

7 FAM 538.2 Beneficiary Reports Nonreceipt of Check

Section 7 FAM 520 explains procedures for the distribution of Treasury checks to overseas beneficiaries and gives instructions about the report of check nonreceipt through local mails. If, after consulting the Treasury list that accompanies check deliveries, the post learns that no check was issued to a beneficiary, the post should contact SSA by telegram.

7 FAM 538.2-1 Beneficiary Fails to Return Enforcement Questionnaire

a. If the beneficiary is not on the Treasury list, the post checks the SSA list of persons whose payments were suspended for failure to return the annual enforcement questionnaire. If the beneficiary's name is on that list, the post obtains a properly executed Form SSA-7161-C1 (Report to United States Social Security Administration by Person Receiving Benefits for a Child or for an Adult Unable to Handle Funds) or SSA-7162-C1 (Report to United States Social Security Administration) and sends it to SSA.

b. If it appears that a payment should be due the beneficiary, the post informs SSA by telegram that the post is sending a properly executed form form SSA-7162-C1 or SSA-7161-C1 and that the beneficiary appears to be eligible for payments, is in dire need of funds, and requests immediate resumption of payments.

7 FAM 538.2-2 Beneficiary Ineligible for Payments

If information available to the post indicates that the beneficiary is ineligible for payment (because of work, remarriage, cessation of school attendance, and so forth), the matter should be explained to the beneficiary. The post promptly telegraphs pertinent details to SSA. SSA then determines the eligibility of the beneficiary and notifies the beneficiary if there are any changes.

7 FAM 538.2-3 Check Not on Treasury List For Reasons Unknown to Post

a. If the post does not know why the beneficiary is not on the Treasury check list, it should inform SSA by a telegram that gives the beneficiary's name, claim number, correct mailing address, and states that the beneficiary did not receive a check which should have been, but apparently was not, issued on the date specified on the check list. A separate telegram (Subject: Request for Action -- Delayed Payment) should be sent for each such case.

b. SSA will act at once to trace the missing check or to learn why no check was issued. SSA will advise the post by telegram. When a written reply is necessary, SSA will mail it directly to the beneficiary and send a copy to the post.

c. If special urgency or hardship is involved, the post telegram should specify, "Attention: Sensitive Case Staff"; SSA will then give priority attention to the case.

7 FAM 538.3 Underpayments

a. An underpayment occurs when a person entitled to a monthly payment has not been paid or has been paid less than the amount due.

b. An underpayment can result from the beneficiary's delay in reporting any event that could increase the monthly benefit, or by the lag between the time an event is reported and the time it is processed by SSA. An underpayment can also result when the beneficiary dies before negotiating a check.

c. If the beneficiary is alive, the underpayment will be paid to the beneficiary or to the representative payee. The underpaid person is not required to file a written request for the underpayment but, depending on the circumstances, it might be prudent to do so.

d. When the beneficiary is deceased, it is the policy of the SSA not to solicit underpayment claims outside the United States. However, payments may be made automatically to a surviving spouse who was either living with the beneficiary or entitled to benefits on the same record or to a child or parent of the beneficiary entitled to benefits on the same record as the beneficiary. For more details on the order of individuals to whom underpayments may be paid, see section 1902 of the *Social Security Handbook*.

e. All inquiries on underpayments should be treated in the same manner as those for claims discussed in section 7 FAM 534.3 .

7 FAM 538.4 Overpayments

a. An overpayment occurs when a beneficiary is paid more than was due or when the beneficiary cashes both a substitute check and the original check issued. Overpayments can result from a delay in reporting events that would reduce the amount of benefits due or from a delay in processing such changes.

b. Overpayments may be settled in two ways:

(1) They can be recovered by cash refund or by adjustment of benefits to the overpaid beneficiary or to other beneficiaries on the same earnings record.

(2) Overpayment collection may be waived under certain conditions. Such waivers are granted only when the beneficiary did nothing to cause the overpayment and is not able to pay it back.

c. When an overpayment is discovered, SSA prepares a letter to the overpaid beneficiary. If adjustment is possible, SSA sends the letter directly to the beneficiary. If refund is the only method of recovery and the beneficiary resides in a country listed in section 7 FAM 534.2 b . or Turkey, Hong Kong, or Macao, SSA sends the letter to the servicing post. The post delivers the letter and attempts to obtain the refund. Letters requesting refunds are mailed directly to beneficiaries in other countries. If the beneficiary does not respond, SSA may request assistance from the post. In these cases the request for assistance from the post. In these cases the request for assistance fully explains the overpayment and gives complete instructions on the steps to be taken by the post. In these cases the request for assistance fully explains the overpayment and gives complete instructions on the steps to be taken by the post. Letters to overpaid beneficiaries in the Philippines are sent to the SSA Division, VA Regional Office, Manilla.

d. When the beneficiary makes a refund, the post should handle it in accordance with section 7 FAM 504.2-5 , Control of Refunds and Other Payments.

7 FAM 538.5 Taxation of Benefits

a. Since 1984, up to half of a person's Social Security benefits is regarded as Federal taxable income if the beneficiary is a U.S. citizen or resident. Up to one-half of a person's Social Security benefits will be included in the person's Federal taxable income if that person's adjusted gross income, plus nontaxable interest, plus half of the person's Social Security benefits exceeds a base amount. The base amount is \$25,000 for an individual, \$32,000 for a couple filing jointly, and zero for a couple filing separately.

b. As of January 1984, Federal income taxes are withheld from benefits if the beneficiary is not a U.S. citizen or a U.S. resident. The tax withheld is 30 percent of one-half of the benefit amount. The tax is not withheld from the benefits to persons who reside in countries with which the United States has treaties that prohibit the taxing of U.S. Social Security benefits. It has been determined that alien residents of Canada, Egypt, Italy, Japan, Malta, Romania, and the United Kingdom will not be subject to tax withholding. This list of countries is subject to change.

7 FAM 539 COMMUNICATIONS TO AND FROM SSA

7 FAM 539.1 Identifying Information

The following identifying information **MUST** be given in **EVERY** communication pertaining to a Social Security claim.

7 FAM 539.1-1 Claim Number

a. The claim number is based on the Social Security number of the worker (living or deceased) on whose record the benefits are claimed, but it includes an alphabetical suffix that identifies the type of benefit involved (see 7 FAM 532 Exhibit 532.1).

b. The claim number is shown on all SSA correspondence to the claimant.

c. The worker's Social Security number is shown on the worker's tax withholding statements, copies of tax returns, Social Security correspondence, Social Security checks, and many similar documents.

d. Without the claim number, SSA usually is unable to associate correspondence and other papers with the proper claims files, thereby causing significant delays.

e. The claim number should be entered at the top of each attachment to a communication, including x-rays, photocopies of documents, and the like, to ensure proper association of the documents if they become detached.

7 FAM 539.1-2 Name and Mailing Address

The name and mailing address of the claimant or beneficiary must be given in every communication to ensure proper identification and correct routing of correspondence or checks to the claimant.

7 FAM 539.1-3 Subject

The post always must specify the precise subject of the correspondence to ensure correct routing and handling when it reaches SSA's mail desks. If a message is in reply to a request from SSA, it should so indicate and show the "SPR" code given on the SSA request (the term "SPR" is an assigned code, not an acronym). The wording of the subject of a telegram is especially crucial (see section 7 FAM 539.3).

7 FAM 539.2 Methods of Communication

a. Posts should communicate with SSA on claim matters by telegram whenever possible (see section 7 FAM 539.3 on when to use telegrams).

b. Communications from SSA by mail ordinarily are be self-routing forms such as form SSA-1320-U4 (Request for Services). The back of form SSA-1320-U4 should be used, without any covering memorandum or routing slip, to transmit replies to SSA requests made on such forms. If self-routing forms are not used, posts should use a memorandum or a form OF-41, Routing and Transmittal Slip, to transmit claims material, including the identifying information described in section 7 FAM 539.1 .

c. Most mail to SSA should be addressed to:

Social Security Administration
P.O. Box 1756
Baltimore, MD 21203

d. Communications about totalization claims (see section 7 FAM 532.6) should be addressed to:

Social Security Administration
P.O. Box 17049
Baltimore, MD 21235

e. Posts should use APO and FPO mail, where available, in preference to pouch mail is routed to Washington, where the SSA mail must then be franked and mailed to Baltimore; this causes a significant delay in delivery without any significant saving in postage.

NOTE: If the pouch is used, the post should place its own "Postage and Fees Paid" frank on the envelope, thereby speeding up the mail and avoiding delay. This is an exception to the general instruction given in 5 FAM 323 b.

7 FAM 539.3 Routing of Communications

a. Communications relating to Social Security claims or beneficiaries generally should be routed directly to SSA.

b. The following types of communications should be channeled through the Department (CA/OCS/CCS), Attention Federal Benefits Unit:

- (1) Any communication about new or changed policies or procedures;
- (2) Replies to inquiries or requests received from the Department; and
- (3) Communications about problems that cannot be resolved by direct correspondence with SSA.

7 FAM 539.4 Use of Telegrams

a. Sometimes SSA requests services by telegram rather than by form SSA-1320-U4, Request for Services. Such telegrams will specify, "Subject: SSA Request for Services -- Attention Federal Benefits Unit." These telegraphic requests are given the same priority as the forms, unless the telegram expressly requests special priority attention. Replies to such requests may be by telegram or by mail, depending on whether enclosures are involved. If enclosures are involved, the post should attach them to the incoming telegram itself or a photocopy of it and return the material to SSA by transmittal slip.

(1) The special routing indicator "RUSAFDY," for SSA's International Program Service Center, **MUST** be shown. It should appear either as part of the action addressee designation or after SSA, if that agency is an information addressee. Telegrams should be addressed to:

USINTPSC/SSA BALTIMORE MD

(2) Each telegram **MUST** give the Social Security claim number, name, mailing address of the claimant or beneficiary (the "SPR" code given on the original request). It should specify: SUBJECT: Reply to SSA Request for Services.

b. On claims matters, posts should communicate with SSA by telegram, particularly in the following situations:

(1) Complaints involving interruption of payments for more than 60 days or nonaction on claims forwarded more than 120 days (180 days in disability claims) previously. Such telegrams should be identified as, "Subject: Request for Action -- Delayed Payment."

(2) Inquiries about matters that would be known to SSA but not to the post. Such an inquiry might, for example, involve a request for an interpretation of a letter received from SSA which the post does not understand. Such telegrams should specify, "Subject: Request for Explanation or Clarification of Action Taken."

(3) If the matter requires urgent or high priority attention because of special hardship or highly sensitive public relations implications, the telegram should show "For Sensitive Case Staff" in the caption and the subject should be "Request for Action -- Critical Case." Posts should exercise restraint in requesting priority attention.

7 FAM 539.5 Reporting Change of Address or Death

a. Posts use form OF-273 or RO-35, Change in Status for Federal Agency Beneficiary, to report a change of address or death of a beneficiary (except for some posts which use special telegraphic reports). If a form OF-273 or RO-35 is not available, a memorandum or form SSA-1425FC, Report to Social Security Administration by Person Outside the United States, may be used.

b. To achieve a prompt and accurate change of address, SSA requires:

(1) The claim number (Social Security number followed by an alphabetical designation; for example, 999-99-9999B2; see section 7 FAM 539.1-1);

(2) The complete name as it should be shown on the check (if a representative payee is involved, the name of the payee as well as that of the beneficiary should be shown; for example, "John A. Smith for Sara C. Smith", or "John A. Smith for children"); and

(3) The complete address, with all acceptable postal abbreviations and postal codes. There are no standard international postal codes and abbreviations. Use the code and abbreviations which are recognized by that country's postal system.

c. Acceptable abbreviations are particularly important for unusually long addresses because of built-in line limitations in the automated equipment that writes addresses on checks. Only 22 characters, including spaces, can be printed per address line, with no more than five lines of address (no more than four lines if the beneficiary has a representative payee).

d. Do **NOT** use numerical characters (that is, the ZIP code), as the last item on the bottom line of an address. This space, normally used for ZIP codes in the United States, is reserved for the Department of Treasury Foreign Sorting Code. The country name must be the last entry in the last line of the address. If a postal code is shown, it may be placed before or after the city, state, province, canton or department, but **NEVER** after the country (for example, "7471 AT Deventer, the Netherlands").

e. "Care of" addresses **ALWAYS** require explanation, because no assignment or levy against benefits is permitted. The beneficiary's own address should be specified, together with an explanation of the need for a "care of" address, and should identify the person who will receive the checks. If the beneficiary is unable to manage funds, a report explaining the circumstances should be forwarded to SSA (see section 7 FAM 535.2-2).

7 FAM 539.6 Followup on SSA Requests for Assistance

SSA has standard procedures for following up on requests for services and for closing cases when a post's efforts to obtain the requested information have been unsuccessful. The following guidelines are provided so that post processing of requests for services is compatible with SSA procedures.

7 FAM 539.6-1 Standard Followup Procedure

a. SSA routinely follows up on any service request for which no reply is received within 90 days (in certain areas, a longer followup is necessary; in Mexico a 60-day period is used).

b. If the post anticipates a longer delay, it must send an interim report with an estimated completion date. If the interim report is received before the followup period has expired, no SSA response is sent to the post.

c. Guidance for handling cases in which the delay is attributable to the failure of a claimant or beneficiary to cooperate is given in section 7 FAM 539.6-4 c.

7 FAM 539.6-2 Action on an SSA Request for Services

a. The action a post takes in response to a request for services depends on what information has been requested and how it can be obtained most reasonably. In deciding on the type of action to take, the post should consider whether the person from whom the information is required is likely to need help in supplying information. The post should take into account such things as the amount and technical complexity of the information needed, the number of forms to be completed, and the language and wording of the forms.

b. If the needed information is relatively simple, it can be requested by mail or telephone. If more complex information is needed from a beneficiary or claimant, and distance permits, the post may ask the person to visit the post. The come-in letter (or telephone call) must specify what documents or information the person should bring. All forms that the claimant or beneficiary is to complete must be ready when the person comes to the post.

c. If a letter to a beneficiary or claimant requests the completion of a form, the furnishing of a document, or other information, the post may enclose a copy of the booklet, *If You Want Help*. This booklet explains the free assistance that is available at the post and SSA's policy on fees charged by third parties for assistance with Social Security claims. These booklets may be ordered directly from SSA.

d. If the post sends a letter requesting information or that a claimant come to the post, the post schedules the case for review after enough time has elapsed to expect a response. Generally, this involves a 2or 3-week period. The period may be shorter or longer, depending on local conditions and experience. At the time of the review, if there has been no response, a following letter should be sent (see section 7 FAM 539.6-4).

7 FAM 539.6-3 Field Contacts

a. If the information or evidence requested by SSA requires an on-the-scene visit, the post schedules a field contact. In some cases it will be apparent that requested information (for example, if the request is for observation of the home environment of an incapable or minor beneficiary). In other cases, a field contact is needed to obtain the cooperation of a third party (for example, a school official who does not respond to requests for information about school attendance).

b. Post management establishes controls to ensure that scheduled fieldwork is completed within a reasonable time.

c. Federal Benefits travel should be funded through regular consular funds in all countries other than Italy, the Federal Republic of Germany, Greece, Mexico, the Philippines, or the United Kingdom (where special reimbursement arrangements exist). When consular funds are not available, the post telegraphs its Federal Benefits Officer (FBO) or, if it has none, telegraphs SSA directly, requesting authorization to travel at SSA expense. The message must include the:

(1) Purpose of travel (for example, to verify whether a beneficiary is working, to verify attendance at a school which has not responded to previous requests, or to ascertain the whereabouts of a beneficiary thought to be deceased or incapable of managing funds);

(2) Social Security claim number for each claim under investigation;

(3) City, province, or region to which travel is necessary; and

(4) Estimated travel cost.

d. Posts with no FBO send such telegrams to SSA, Attention: Foreign Operations Branch, using the routing indicator, "RUSAFDY." The subject line for such telegrams should state, "Request for Advance Authorization for SSA Travel."

e. The FBO or SSA will reply individually whether travel at SSA appropriation number, allotment and organization codes, and control number for use be the posts in preparing vouchers.

7 FAM 539.6-4 Followup and Closing Out Requests

a. The post sends a followup letter if there has been no response to a post request-for-assistance letter after the scheduled review period. It then schedules the case for another review after an additional 2 or 3 weeks. After the additional waiting period, if there still has been no response, the post sends a closeout letter, as specified in section 7 FAM 539.6-4 d, or schedules the case for a field contact.

b. If the person who has not cooperated has nothing to lose by lack of cooperation (for example, a third party from whom information is required or a beneficiary being requested to repay an overpayment), a field contact usually is scheduled to obtain the needed cooperation.

c. A closeout letter is warranted only if a claimant or beneficiary has failed to submit forms, information, or other evidence needed in support of the claimant's right to benefit payments or other rights under the Social Security Act, such as the right to waiver of an overpayment. Even in these cases, a field contact is warranted if there is reason to believe that the claimant or beneficiary may be incapable of acting without assistance from the post.

d. The closeout letter is prepared, using the following pattern as guide:

Dear Mr. Ezrin:

On June 2, 1985 and again on June 25, 1985 we wrote you, requesting that you furnish the Consulate General with your physician's report and hospital records establishing your entitlement to Social Security benefits. To date, you have not responded.

If you need assistance in furnishing this evidence, please contact us by telephone, by mail, or by coming to this office.

If we do not hear from you within 15 days of the date of this letter, we will assume that you no longer wish to pursue this matter and will so inform the Social Security Administration. SSA then will make a decision based on the evidence in your life.

e. The post then schedules the case for another review after 15 days. If there has been no response to the closeout letter after the allotted time, the request for assistance should be sent back to SSA with a copy of the closeout letter and an explanation of the efforts made. The post need take no further action on such a case unless asked by SSA to do so.

7 FAM 532 Exhibit 532.1

(TL:CON-21; 10-31-86)

Type of Social Security Administration Benefits

BENEFIT CHECK CLAIM SYMBOL		FACTORS BEARING ON ENTITLEMENT
Claim symbol prefix "H" identifies a benefit paid out of the Disability Insurance Trust Fund. It appears on benefit checks of a disabled worker as well as a wife, husband, divorced wife, divorced husband, or child entitled to benefits on the record of a worker entitled to disability insurance benefits.		a. Age b. Insured status c. Relationship to insured worker e. Marriage e. Divorce f. Dependency g. School attendance h. Disability i. Custody of child j. Death of worker
TYPE OF BENEFIT BEARING PAYABLE ABROAD	CLAIM SYMBOL(S) APPEARING ON BENEFIT CHECKS	FACTORS ON ENTITLEMENT
Retirement insurance	A	a, b
Disability insurance	HA	b, h
Wife	B	a, c
Divorced wife	B6	a, c, e
Husband	B1	a, c
Divorced husband	BR	a, c, e
Young wife	B2	c, i
Young Husband	HBV	c, i
Child under 18	C	a, c
Disabled child	C	a, c, h
Student	C	a, c, g
Widow	D	a, c, j
Widower	D1	a, c, j
Remarried widow	D4	a, c, d, j
Remarried widower	D5	a, c, d, j
Surviving divorced wife or husband	D6 (or DC)	a, c, d, j
Mother (or father)	E (or E4)	c, i, j
Surviving divorced mother (or father, since 1979)	E1 (or E5)	c, e, i, j
Parent	F	a, c, f, j
Disabled widow	W	a, c, h, j
Disabled widower	W1	a, c, h, j
Disabled surviving divorced wife (or husband)	W6 (or WR)	a, c, d, h, j
Lump-sum death benefit	G	b, c, j

7 FAM 537 Exhibit 537

(TL:CON-21; 10-31-86)

SOCIAL SECURITY ADMINISTRATION

Annual Questionnaire Distribution Schedule

Month	January	April	July	October
Color Coding	Blue	Buff	Pink	Green
QUARTERLY DISTRIBUTION	Greece Norway Yugoslavia Israel Hong Kong Switzerland Czechoslovakia Hungary Italy Mexico Philippines United Kingdom	Greece Norway Yugoslavia Israel Hong Kong Switzerland Czechoslovakia Hungary Italy Mexico Philippines United Kingdom	Greece Norway Yugoslavia Israel Hong Kong Switzerland Czechoslovakia Hungary Italy Mexico Philippines United Kingdom	Greece Norway Yugoslavia Israel Hong Kong Switzerland Czechoslovakia Hungary Italy Mexico Philippines United Kingdom
Claim Number Ends With	0, 1, 02, 12, 22, 32, 42	3, 4, 52, 62, 72, 82, 92	5, 6, 17, 27, 37, 47	8, 9, 57, 67, 77, 87, 97
SEMI-ANNUAL DISTRIBUTION		Austria Denmark France Germany Ireland Sweden		Austria Denmark France Germany Ireland Sweden
Claim Number Ends With		0, 1, 2, 3, 4		5, 6, 7, 8, 9
ANNUAL DISTRIBUTION	All Other Countries		APO/FPO Canada (Direct Mail) Turkey	Cape Verde Islands Lebanon Portugal
Claim Number	Any number		Any number	Any number